

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION (at Cincinnati)

STEVEN D. KING	:	Civil Action No. C-1-01-802
	:	
Plaintiff,	:	(Judge Herman J. Weber)
	:	(Magistrate Timothy S. Hogan)
v.	:	
	:	
CSX TRANSPORTATION, INC.	:	<b>DEFENDANT'S FURTHER SUPPLEMENT</b>
	:	<b>TO PROPOSED JOINT FINAL PRETRIAL</b>
	:	<b>ORDER</b>
Defendant.	:	

Now comes the defendant and, pursuant to the Court's Order of July 24, 2003, makes the following amendments/additions to parts of the Joint Final Pretrial Order:

**Appendix B**  
**Defendant's Witness List**

- |     |   |  |
|-----|---|--|
| 18. | Paul Jahn<br>Litigation Support Services<br>817 Main Street<br>Cincinnati, Ohio 45202 | The videotaping of a person of the approximate height of the plaintiff boarding a locomotive of the same type as that involved in the plaintiff's claimed accident at the location of that claimed accident as described by the plaintiff. |
| 19. | Michael Philpot<br>CSX Transportation, Inc.<br>Corbin, Kentucky                       | The videotaping of a person of the approximate height of the plaintiff boarding a locomotive of the same type as that involved in the plaintiff's claimed accident at the location of that claimed accident as described by the plaintiff. |

The defendant continues to reserve its right to supplement the foregoing list. The defendant continues to reserve its right to call any witness, or offer any exhibit, made pertinent by testimony received upon trial of this case.

**Appendix D**  
**Defendant's Exhibit List**

- V. Videotape of a person of the approximate height of the plaintiff boarding a locomotive of the same type as that involved in the plaintiff's claimed accident at the location of that claimed accident as described by the plaintiff.

The defendant continues to reserve the right to supplement the foregoing list. Defendant continues to reserve the right to offer any exhibit made pertinent by testimony received upon trial of the case.

Respectfully submitted,

/s/ James L. O'Connell

James L. O'Connell (#0009501)

***Trial Attorney for Defendant***

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon: **Robert E. Harrington, Jr. and Daniel W. Pisani**, HARRINGTON, THOMPSON, ACKER & HARRINGTON, LTD., 310 South Michigan Avenue, Suite 2000, Chicago, Illinois 60604, and **Charles J. Davis**, PATSFALL, YEAGER & PFLUM, 1800 Fourth & Vine Tower, One West Fourth Street, Cincinnati, Ohio 45202, by ordinary U.S. mail, this 3rd day of October, 2003.

/s/ James L. O'Connell

James L. O'Connell

Attorney at Law